

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

In re:
Tricia L. Hicks,
Debtor

Bk. No. 24-10563-KB
Chapter 13

OBJECTION TO MOTION FOR REMAND

NOW COMES Tricia L. Hicks (hereinafter “Debtor”) in the above-captioned matter, by and through her attorney, Bryan W. Clickner, Esq., and OBJECTS to the Motion for Remand (Doc 13) filed by Steven P. Marshall and Erica A. Marshall. In support of said Objection, the Debtor states as follows:

1. Steven P. Marshall and Erica A. Marshall (Marshall) filed a Motion to Remand a civil action to the New Hampshire Superior Court.
2. Marshall’s motion should be denied in that it is vague in the relief sought.
3. Marshall’s motion included three attachments of prior orders in the action in Superior Court, but did not include the motions mentioned in Paragraphs 10 and 11 of their motion.
4. Tricia Hicks (Debtor) asserts that this is an attempt to collect on court ordered fees and expenses in violation of the automatic stay.
5. The Court cannot decide whether or not it cannot efficiently administer justice without knowledge of what are the motions before the Superior Court. Any financial issues must be stayed, including a motion to attach. If the remaining issue is enforcement of the judgment, an easement, this Court is fully capable of addressing that in the context of this bankruptcy case.
6. While state law issues are involved, they are not so complex or unsettled as to require remand. This Court regularly interprets and applies state law.

7. Remanding would result in duplicative proceedings in state and bankruptcy court. Retaining the matter here promotes judicial economy.

8. The Debtor's bankruptcy filing was not in bad faith, but rather a good faith attempt to address her financial difficulties in an orderly manner. The timing shortly before scheduled state court hearings does not alone establish bad faith.

WHEREFORE, the Debtor respectfully requests that the Honorable Court, deny the Marshall's Motion for Remand; and for such other and further relief as is just and equitable.

Respectfully submitted,

Tricia L. Hicks
By Her Attorney

Date: October 30, 2024

/s/ Bryan W. Clickner
Bryan W. Clickner, Esq.
BNH #05053
PO Box 370
Goffstown, NH 03045
(603) 497-3400

CERTIFICATE OF SERVICE

I hereby certify under the pains and penalties of perjury that I have served a copy of the foregoing Objection to Motion to Dismiss upon the following persons at the addresses indicated by electronic filing or First-Class Mail, Postage prepaid, this 30th day of October, 2024:

Tricia L. Hicks
32 Concord St.
Peterborough, NH 03458

VIA ECF

Eleanor Wm. Dahar, Esq. edahar@att.net

Lawrence Sumski, Esq., lsumski@yahoo.com
United States Trustee, USTPRegion01.MR.ECF@usdoj.gov

/s/ Bryan W. Clickner
Bryan W. Clickner